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Attorneys for Plaintiffs
 Geraldine Chavez, individually and
 Guardian ad Litem for Armani Coleman, a minor

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

GERALDINE CHAVEZ, individually and
 Guardian ad Litem for ARMANI COLEMAN, a
 minor,

Plaintiffs,

v.

THE UNITED STATES OF AMERICA and
 NATHANIEL COLEMAN

Defendants.

CASE NO. 13-04532 WHO

**JOINT STIPULATION AND DISMISSAL WITH
 PREJUDICE OF NATHANIEL COLEMAN
 PURSUANT TO FED. R. CIV. P. 41(a) AND
 [PROPOSED] ORDER**

1 Plaintiff Geraldine Chavez, as Guardian Ad Litem for Armani Coleman, a minor ("Plaintiff"),
2 Defendant United States of America, by and through their respective counsel, and Defendant Nathaniel
3 Coleman, pro se, hereby stipulate as follows:

4 1. Nathaniel Coleman was legally married to Natasha Carmen Carmona Coleman at the
5 time of her death on or about October 20, 2012.

6 2. Plaintiff Geraldine Chavez, as guardian ad litem for her grandson, Armani Coleman, a
7 minor, brought a wrongful death action against the United States of America alleging that Natasha
8 Carmen Carmona's death was due to medical malpractice.

9 3. California law only permits one action for wrongful death, and, thus, all heirs are
10 necessary parties.

11 4. Nathaniel Coleman declined to join this matter as a Plaintiff.

12 5. The Court granted Plaintiff's motion to amend his Complaint to add Nathaniel Coleman
13 as a defendant. Dkt. No. 34.

14 6. Plaintiff amended his Complaint and added Nathaniel Coleman as a Defendant. Dkt. No.
15 35.

16 7. Defendant Nathaniel Coleman acknowledges that he was personally served in this matter
17 on 9/16/14 [date] at 69 Cole Drive [address].
Marin City, CA 94965

18 8. Defendant Nathaniel Coleman seeks to be dismissed from this matter with the
19 understanding that any future claim against the United States of America for the wrongful death of
20 Natasha Carmen Carmona Coleman will be barred by California's one action rule.

21 Based on these facts, Plaintiff, Defendant United States of America and Defendant Nathaniel
22 Coleman hereby stipulate and agree to the dismissal of Nathaniel Coleman from this action with
23 prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2), each party to bear its own costs and fees.
24 All further pleadings in this matter shall be captioned *Geraldine Chavez, Guardian ad Litem for Armani*
25 *Coleman, a minor v. United States of America*, No. C 13-04532 VC.

26 ///

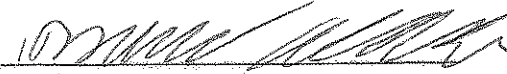
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SO STIPULATED AND AGREED.

DATED: August __, 2014

September 9/16/14

By: 
Nathaniel Coleman
Defendant, pro se

DATED: August 21, 2014

By: /s/ Robert S. Levin
ROBERT S. LEVIN
Attorneys for Plaintiffs
Geraldine Chavez, individually and Guardian ad Litem
for Armani Coleman, a minor

DATED: August 21, 2014

MELINDA HAAG
United States Attorney

By: /s/ Rebecca A. Falk
REBECCA A. FALK¹
Assistant United States Attorney
Attorneys for Federal Defendant

Pursuant to the stipulation of the parties, Nathaniel Coleman is dismissed from the above-captioned action without prejudice. All further pleadings in this matter shall be captioned *Geraldine Chavez, Guardian ad Litem for Armani Coleman, a minor v. United States of America*, No. C 13-04532 VC. The Clerk of the Court is directed to update the docket sheet in this matter and the files of the Court accordingly.

IT IS SO ORDERED.

DATED: October 1, 2014


HONORABLE VINCE CHHABRIA
UNITED STATES DISTRICT JUDGE

¹ I, Rebecca A. Falk, hereby attest, in accordance with the Civil L.R. 5(i)(3), the concurrence in the filing of this document has been obtained from the other signatory listed here.

PROOF OF SERVICE

GERALDINE CHAVEZ, Guardian ad Litem for ARMANI COLEMAN, a minor, v. UNITED STATES OF AMERICA, et al.
USDC Case No. 13-04532-WHO

I, the undersigned, declare that: I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the instant case. My business address is 23622 Calabasas Road, Suite 253, Calabasas, California 91302.

On September 22, 2014, I served the foregoing document described as **JOINT STIPULATION AND DISMISSAL WITH PREJUDICE OF NATHANIEL COLEMAN PURSUANT TO FED.R.CIV.P. 41(a) AND [PROPOSED] ORDER** on the interested party(ies) in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Rebecca A. Falk, Esq
Assistant United States Attorney
450 Golden Gate Avenue, Box 36055
San Francisco, CA 94102-3495

X (BY U.S. MAIL IN THE ORDINARY COURSE OF BUSINESS) I am readily familiar with the firm's practice for the collection and processing of correspondence for mailing with the United States Postal Service and the fact that the correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business; on this date, the above-reference correspondence was placed for deposit at Calabasas, California and placed for collection and mailing following ordinary business practices.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on September 22, 2014 at Calabasas, California.



Debra Fischl

PROOF OF SERVICE

I, the undersigned, declare that: I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the instant case. My business address is 23622 Calabasas Road, Suite 253, Calabasas, California 91302. On September 25, 2014, I served the foregoing document described as **JOINT STIPULATION AND DISMISSAL WITH PREJUDICE OF NATHANIEL COLEMAN PURSUANT TO FED.R. CIV.P. 41(a) AND [PROPOSED] ORDER** on the interested party(ies) in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED

X (BY U.S. MAIL IN THE ORDINARY COURSE OF BUSINESS) I am readily familiar with the firm's practice for the collection and processing of correspondence for mailing with the United States Postal Service and the fact that the correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business; on this date, the above-reference correspondence was placed for deposit at Calabasas, California and placed for collection and mailing following ordinary business practices.

— (BY FEDERAL EXPRESS) I am readily familiar with the firm's practice for the daily collection and processing of correspondence for deliveries with the Federal Express delivery service and the fact that the correspondence would be deposited with Federal Express that same day in the ordinary course of business; on this date, the above-reference document was placed for deposit at Calabasas, California and placed for collection and delivery following ordinary business practices (as noted).

— (BY E-MAIL OR ELECTRONIC TRANSMISSION) Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the person[s] at the e-mail addresses listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

— (BY PERSONAL SERVICE) By personally delivering copies to the person served. (STATE/FEDERAL)

— I caused such envelope to be delivered by hand to the offices of the addressee pursuant to CCP § 1011. (STATE/FEDERAL)

— (BY FACSIMILE) The facsimile machine I used complied with California Rules of Court, rule 2003 and no error was reported by the machine. Pursuant to California Rules of Court, rule 2006, subd. (d), I caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration.

I declare under penalty of perjury under the laws of the United States that the above is true and correct. Executed on September 25, 2014, at Calabasas, California.


Debra Fischl

JOINT STIPULATION AND DISMISSAL WITH PREJUDICE OF NATHANIEL COLEMAN PURSUANT TO FED.R. CIV.P. 41(a) AND [PROPOSED] ORDER

SERVICE LIST

Mr. Nathaniel Coleman
69 Cole Drive, Apt. 4
Marin City, California 94965

**JOINT STIPULATION AND DISMISSAL WITH PREJUDICE OF NATHANIEL
COLEMAN PURSUANT TO FED.R. CIV.P. 41(a) AND [PROPOSED] ORDER**